

### REMARKS

In the May 20, 2004 Supplemental Office Action, claims 1-3, 5, and 7, 9-24, and 26-32 stand rejected in view of prior art. The Office Action seems to indicate that claims 8 and 25 contain allowable subject matters. No other objections or rejections were made in the Office Action.

#### *Status of Claims and Amendments*

In response to the May 20, 2004 Supplemental Office Action, Applicants have amended claims 1, 20, 31, and 32 as indicated above. Thus, claims 1-3, 5 and 7-32 are pending, with claims 1, 20 and 31-32 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### *April 6, 2004 Office Action*

In paragraph 1 of the May 20, 2004 Supplemental Office Action, it is indicated that the finality of the April 6, 2004 Office Action has been withdrawn, and that the May 20, 2004 Supplemental Office Action replaces the April 6, 2004 Office Action.

#### *Rejections - 35 U.S.C. § 103*

In paragraph 2-4 of the May 20, 2004 Supplemental Office Action, claims 1-3, 5, 7, 9-10, 12-24, and 26-32 stand rejected under 35 U.S.C. § 103(b) as being unpatentable over U.S. Patent No. 5,893,260 to McKenna ("McKenna patent") in view of U.S. Patent No. 5,794,406 to Reichental et al. ("Reichental patent"). Claim 11 stands rejected as being unpatentable further in view of U.S. Patent No. 4,719,741 to Mabry ("Mabry patent"). In response, Applicants have amended independent claims 1, 20, and 31-32 to clearly define the present invention over the prior art of record.

In particular, independent claims 1, 20, and 31-32 have been amended to recite that the bags are previously separated before they are supplied to the first transfer unit such that the bags *do not* contact the first transfer unit *until after* the bags are separated, and that the first direction in which the bags are dropped is not parallel to the second direction in which the separated bags are carried. Clearly, this structure is *not* disclosed or suggested by the McKenna patent, the Reichental patent, the Mabry patent, or any other prior art of record.

More specifically, Applicants believe that the McKenna patent does not disclose the first transfer unit or the belt as set forth in claims 1, 20, and 31-32. The Office Action asserts

that column 5, lines 63-65 of the McKenna patent discloses that the bags are separated and then dropped to the conveyor belt. However, claims 1, 20, and 31-32 as currently amended require that the bags ***do not contact the first transfer unit or the belt until after the bags are separated***. As seen in Figure 5 of the McKenna patent, the bag is already contacting the conveyor 73 ***before*** being separated. This is clearly contrary to the requirement of claims 1, 20, and 31-32 as currently amended. Thus, Applicants believe that the McKenna patent does not disclose or suggest the arrangement of claims 1, 20, and 31-32.

Also regarding the Reichental patent, Applicants believe that the Reichental patent does not disclose or suggest the first transfer unit as required by claims 1, 20, and 31-32. The Reichental patent was cited in the Supplemental Office Action to show the control means. Clearly, the Reichental patent ***does not show a first transfer unit or a belt on which the bags are dropped such that the bags do not contact the first transfer unit or the belt until after the bags are separated***. As clearly seen in Figure 15 of the Reichental patent bags are not supplied to the ladder conveyor 82 by being dropped thereto, as required by claims 1, 20, and 31-32 and shown in Figure 6 of the present application, because in the Reichental patent, the ladder conveyor 82 receives the bags that are dropped to the unnumbered stationary chute, and then onto the ladder conveyor 82 after the unnumbered stationary chute changes the transferring direction of the bags. This is clearly contrary to the requirement of claims 1, 20, and 31-32, especially in view of the fact that the object of the present invention is to replace a conventional stationary chute with a transfer unit, thereby improving the bag-forming capacity. *See* page 5, lines 9-19. Particularly, it would not occur to the ordinarily skilled in the art to combine the teachings of the McKenna patent and the conventional structure of the Reichental patent to arrive at the arrangement of the present invention. Therefore, Applicants respectfully submit that claims 1, 20, and 31-32 as now amended are not anticipated or suggested by the Reichental patent, whether taken singularly or in combination with the McKenna patent.

Regarding the Mabry patent, it has been cited in the Supplemental Office Action to show the cooling unit. Clearly, the Mabry patent does not disclose or suggest a first transfer unit that changes the conveyance direction of the bags. Therefore, Applicants believe that the Mabry patent does not disclose or suggest the arrangement of claims 1, 20, and 31-32 either singularly or in any combination.

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Reply to Supplemental Office Action of May 20, 2004

In view of the above comment, Applicants believe that claims 1, 20, and 31-32 are not disclosed or suggested by the prior art of record.

Regarding dependent claims 2-3, 5, 7, 9-19, 21-24, and 26-30, they depend from claims 1 and 20, and are therefore narrower. Since the McKenna patent, the Reichental patent, and the Mabry patent do not anticipate or render obvious the arrangements of claims 1 and 20, dependent claims 2-3, 5, 7, 9-19, 21-24, and 26-30 cannot be disclosed or suggested by the prior art of record.

Applicants respectfully request withdrawal of the rejections.

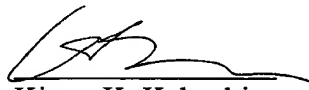
*Allowable Subject Matter*

On page 1 of the Office Action, claims 8 and 25 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In this Amendment, claims 8 and 25 continue to depend from claims 1 and 20, respectively. Since claims 1 and 20 are believed to be allowable as discussed above, Applicants believe that claims 8 and 25 are in condition for allowance.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-3, 5, 7-32 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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